

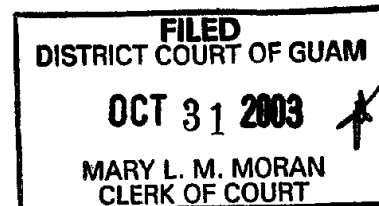
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Attorneys for Defendant
Continental Micronesia, Inc. dba
Continental Micronesia and
Continental Airlines, Inc.



IN THE DISTRICT COURT OF GUAM

TONY H. ASHTIANI,

Plaintiff,

vs.

CONTINENTAL MICRONESIA, INC. dba
CONTINENTAL MICRONESIA and
CONTINENTAL AIRLINES, INC.,

Defendant.

CIVIL CASE NO. CV02-00032

**DEFENDANTS' REPLY TO
PLAINTIFF'S OPPOSITION TO
DEFENDANTS' MOTION TO EXTEND
SCHEDULING DEADLINES,
COUNTER-MOTION TO QUASH;
DECLARATION OF MAILING**


Plaintiff cites Vitti v. Brown, 818 A.2d 384 (N.J. Super. 2003) for the proposition that Defendant must meet an "exceptional circumstances" standard prior to seeking to extend discovery. The "exceptional circumstances" standard however, was imposed by a New Jersey court rule imposed on litigants seeking to extend discovery after the discovery deadline passed. Id. at 387. Obviously, New Jersey law has no precedential value in this Court. Rather, the correct standard is good cause and diligence, as Defendant noted in its Motion to Extend Scheduling Order Deadlines. See also LR 16.5. Overall, Plaintiff's Opposition to Defendant's Motion to Extend Scheduling Order Deadlines fails to raise any credible argument that

Defendant did not act with diligence as it dealt with Plaintiff in seeking to extend the discovery deadlines in a timely fashion.

The Court should allow Defendant to take Plaintiff's deposition on November 18, 2003, from 9:00 a.m. until 12:00 p.m., and from 1:00 - 5:00 p.m. The deposition will lead to the discovery of information that will enormously reduce the amount of protracted issues Plaintiff brings before this Court through his Second Amended Complaint, issues which, absent a deposition, will take precious *jury* trial time to sort through.

DATED: Hagåtña, Guam, October 31, 2003.

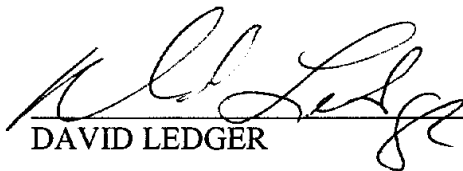
CARLSMITH BALL LLP

for 
ELYZE MCDONALD
Attorneys for Defendant
Continental Micronesia, Inc. dba
Continental Micronesia and
Continental Airlines, Inc.

DECLARATION OF MAILING

I, David Ledger, hereby declare under penalty of perjury of the laws of the United States, that on the 31st day of October 2003, I will mail, via certified mail with return receipt requested, by depositing same in a sealed envelope with the U.S. Postal Service, a true and correct copy of DEFENDANTS' REPLY TO PLAINTIFF'S OPPOSITION TO DEFENDANTS' MOTION TO EXTEND SCHEDULING DEADLINES, COUNTER-MOTION TO QUASH; DECLARATION OF MAILING, addressed to Tony H. Ashtiani at Post Office Box 12723, Tamuning, Guam 96931.

Executed this 31st day of October 2003 at Hagåtña, Guam.



DAVID LEDGER